

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 26, 2015**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Todd Crowley, Vice Chair; Carol Amick, Clerk; Jeffrey Dearing; Michelle Puntillo; Kay Hamilton; Robert Kalantari; Arthur Smith

ABSENT: None

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

PRESENT: Ms. Amick read the notice of the hearing.

PETITION #019-15 – Bell Atlantic Mobile of Mass. Corp. Ltd. d/b/a Verizon Wireless, at 30-32 Shawsheen Avenue, seeks a Special Permit per Section 4.4.5 of the Zoning Bylaw to place an accessory equipment shelter at rear of existing cellular tower.

Carl Gehring, the representative for Bell Atlantic Mobile, greeted the Board and stated that this application was put together by several individuals, and as such was a joint team effort. He introduced Dan Brown, the Radio Frequency (RF) Engineer; Brendan Gill, from the Verizon Wireless Real Estate Department; Dr. Donald Haes, Certified Health Physicist (RF Emissions); and Doug Sheadel, Acoustical expert.

Mr. Gehring stated that this was a simple proposal to allow an accessory equipment shelter behind the monopole. He said that the monopole itself would have new antennas added, but they were not part of this application because they will have no new external hardware and will be hidden inside stealth sheathing. He commented that the antennas and equipment shelter were necessary for enhancing coverage in that area of Town, because phone usage has increased so much over the past several years, not only in terms of phone calls but other data such as texts, email, and Internet.

Mr. Gehring walked the Board members through the twelve sections of the application binder, noting that the packet contained the application form itself; the authorizations and leases from the landowner and tower owner; the RF Engineer's affidavit and coverage plots, which showed the coverage before and after this equipment was installed; the RF Emissions Compliance Report; the Environmental Sound Assessment, which stated that the noise emitted from this equipment shelter was minimal and often non-existent; a structural letter which certified that these small antennas do not affect the structure of the tower; a copy of the Conservation Commission's Order of Conditions for this new shelter, since the structure was within the 100-year floodplain and therefore required – and received – the Commission's approval; site plans and elevation drawings; and,

finally, photo simulations showing what the new shelter would look like to the surrounding neighborhood. Mr. Gehring noted that the simulations show that the shelter would barely be visible.

Mr. Colasante said that he appreciated how much time and effort had gone into this application. He said it showed the Board members everything they liked to see in a wireless communications application, especially the site lines showing how little the surrounding neighborhood would be able to see the new shelter. He noted that the Town encouraged collocation of carriers, which this application also accomplished.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante stated that this was a Special Permit application, meaning that in order for the Board to grant the application, it had to determine that the request was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. He said the application packet was extremely thorough, and he believed it proved that the request met those two conditions of the Bylaw. The other Board members agreed.

MOTION:

Ms. Amick moved to grant Bell Atlantic Mobile of Mass. Corp. Ltd. d/b/a Verizon Wireless, at 30-32 Shawsheen Avenue, a Special Permit per Section 4.4.5 of the Zoning Bylaw to place an accessory equipment shelter at rear of existing cellular tower, substantially as shown on Exhibit 1 (plot plan), Exhibit 2 (erosion control plan), Exhibit 3 (compound plan and elevation), Exhibit 4 (site details), Exhibit 5 (eight view line photographs), and Exhibit 6 (two drawings showing communication pattern coverage).

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicants may apply for a Building Permit.

PRESENTATION: Ms. Amick read the notice of the meeting.

PETITION #013-15 – CONTINUATION – Michael McSorley, at 236 Carlisle Road, seeks a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain.

Mr. McSorley greeted the Board and reminded them that this had been continued from the December 11 meeting, at which time it was determined that the Conservation Commission (Con/Com) needed to further examine his proposal before the ZBA could make a determination. He said that they had made several changes to the plan and shrunk the size of the garage addition so that it meets the setbacks and moves the garage out of the 10-year floodplain. He said that Con/Com has approved this new plan and issued an Order of Conditions for it, with certain conditions regarding an infiltration trench, regrading, and flood openings for flood storage compensation. He added that the Commission also required that the existing shed be removed as flood storage compensation before the garage addition can be constructed. He concluded that they would now be completing this project in two phases: re-grading and landscape work along with the second floor addition as phase one, and then removing the shed and building the addition as phase two.

Mr. Colasante said that the Board's purpose in reviewing this application was to determine that the new construction will not greatly impact any floodplain elevations at the property. He said the Board has received a synopsis from Mr. Laskey which reiterates that Con/Com had reviewed the addition and had approved it.

Mr. Colasante asked whether the applicant had any updated calculations showing what was originally proposed versus what was now proposed. Mr. McSorley said there were; he referenced the calculations in the packet and noted that they had been approved by Con/Com and the Department of Public Works (DPW).

Mr. Colasante opened the hearing to the public.

Mr. McSorley stated that he had obtained four signatures of support from surrounding neighbors: Tim McNeany, of 232 Carlisle Road; Kathleen Mofield, of 234 Carlisle Road; Shanaz Asarpour, of 237 Carlisle Road; and Suzanne Neal, of 2 Old Causeway Road. Mr. Colasante read the names into the record.

With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante stated that Mr. McSorley had done his due diligence and come up with a design that showed a willingness to satisfy the Bylaw and work with the Town. He said that Con Com had already issued an Order of Conditions, which meant that all the flooding, stormwater, and drainage issues had been worked out to the satisfaction of that Commission. He commented that the two requirements of a Special Permit were that the project was not injurious or detrimental to the neighborhood and was in keeping with the

intent and purpose of the Bylaw, and he believed it met those requirements as long as the Special Permit had the condition that the shed be torn down prior to construction of the new addition. The other Board members agreed.

Ms. Amick noted that the Town never should have allowed homes to be built on this street, considering the floodplain and wetlands issues there, and it was unfortunate that Mr. McSorley had to go to such expense just to add a garage.

MOTION:

Ms. Amick moved to grant Michael McSorley, at 236 Carlisle Road, a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain, substantially as shown on Exhibit 1 (site plan), Exhibit 2 (elevation zone volumes), Exhibit 3 (floor plan), Exhibit 4 (framing and foundation, plan Exhibit 5 (same) Exhibit 6 (sections plan), and Exhibit 7 (elevations plan), with the following condition: The shed be removed prior to construction of new addition as shown on Floor Plan A1.0.

Ms. Puntillo seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicants may apply for a Building Permit.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #0 16-15 – CONTINUATION – Pamela Brown, Esq., for 120 Great Road, seeks a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant.

Mr. Colasante stated that Ms. Brown had written a letter to the Board requesting a continuation of this application to the March 26 meeting. He called for a motion to continue the hearing.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for 120 Great Road, seeking a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant to March 26, 2015 at 7:30 PM.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Puntillo, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, Puntillo, Hamilton, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 8-0-0.

The meeting adjourned at 8:35 PM.


Angelo Colasante, Chair

3-12-15
Date

Respectfully Submitted,

Scott Gould
ZBA Assistant